

PHILLIP A. TALBERT  
United States Attorney  
SAM STEFANKI  
Assistant United States Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
GABRIEL DIOP,  
  
Defendant.

CASE NO. 2:21-CR-00106-WBS  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
  
DATE: October 31, 2022  
TIME: 9:00 a.m.  
COURT: Hon. William B. Shubb

**STIPULATION**

Plaintiff United States of America (the “government”), by and through its counsel of record, and  
defendant Gabriel Diop, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 31, 2022.
2. By this stipulation, the defendant now moves to continue the status conference until  
January 30, 2023 at 9:00 a.m., and to exclude time between October 31, 2022, and January 30, 2023,  
under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case  
includes more than 20,000 pages of discovery, images, and video files. In late July, the  
government produced approximately 8,000 pages of additional discovery, and the remainder has

///

1 been made available for inspection and copying pursuant to Rule 16(a)(1)(E) of the Federal  
2 Rules of Criminal Procedure.

3 b) Counsel for the defendant desires additional time to consult with her client,  
4 review the charges, conduct investigation and research related to the charges, review the recently  
5 produced discovery, discuss potential resolutions with her client and the government, prepare  
6 pretrial motions, and otherwise prepare for trial.

7 c) Furthermore, the defendant was previously housed at the Sacramento County  
8 Main Jail. The defendant was recently moved to a different institution, making consultation with  
9 his counsel more difficult and time-consuming.

10 d) Counsel for the defendant believes that failure to grant the above-requested  
11 continuance would deny her the reasonable time necessary for effective preparation, taking into  
12 account the exercise of due diligence.

13 e) The government does not object to the continuance.

14 f) Based on the above-stated findings, the ends of justice served by continuing the  
15 case as requested outweigh the interest of the public and the defendant in a trial within the  
16 original date prescribed by the Speedy Trial Act.

17 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
18 et seq., within which trial must commence, the time period of October 31, 2022, to January 30,  
19 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
20 T4] because it results from a continuance granted by the Court at the defendant's request on the  
21 basis of the Court's finding that the ends of justice served by taking such action outweigh the  
22 best interest of the public and the defendant in a speedy trial.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 26, 2022

PHILLIP A. TALBERT  
United States Attorney

/s/ SAM STEFANKI  
SAM STEFANKI  
Assistant United States Attorney


Dated: October 26, 2022

/s/ JENNIFER MOUZIS  
JENNIFER MOUZIS  
Counsel for Defendant  
GABRIEL DIOP

**FINDINGS AND ORDER**

IT IS SO FOUND AND ORDERED.

Dated: November 1, 2022

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE